Report to inform Habitat Regulations Assessment Screening Assessment

Land at Deangate Ridge

The Ecology Partnership, Thorncroft Manor, Thorncroft Drive, Leatherhead, Surrey KT22 8JB

T +44 (0) 1372 364133 E info@ecologypartnership.com W ecologypartnership.com

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LIABILITIES:

Whilst every effort has been made to guarantee the accuracy of this report, it should be noted that living creatures are capable of migration and whilst protected species may not have been located during the survey duration, their presence may be found on a site at a later date.

The views and opinions contained within this document are based on a reasonable timeframe between the completion of the survey and the commencement of any works. If there is any delay between the commencement of works that may conflict with timeframes laid out within this document, or have the potential to allow the ingress of protected species, a suitably qualified ecologist should be consulted.

It is the duty of care of the landowner/developer to act responsibly and comply with current environmental legislation if protected species are suspected or found prior to or during works.

1.0 Introduction

1.1 The Ecology Partnership Ltd was commissioned by Land Use Consultants to undertake a report to inform a habitat regulations assessment (HRA) on land at Deangate Ridge. The site is situated to the north east of Chattenden, Hoo (TQ766731) and the application area totals an area of approximately 43.3ha. The majority of the site is made up of a former golf course, closed in 2018, featuring amenity grassland and patches of semi-natural and plantation woodland, as well as scrub and ponds connected by a network of drains.

1.2 The application area is shown by the red line boundary and the blue line is the survey area, shown in Figure 1 below.

Figure 1: Application site boundary shown in red, survey area in blue.

1.3 The Application Site lies approximately 1.8km to the north of Medway Estuary and Marshes Ramsar and SPA and 2.6km from the Thames Estuary and Marshes Ramsar and SPA. These sites are designated for the international important bird assemblages, and, nationally scarce plant species. The site lies within 6km, which is considered the zone of influence of the SPA and Ramsar sites.

2.0 Legislation

2.1 Thames Estuary and Marshes Ramsar and SPA and Medway Estuary and Marshes Ramsar and SPA are protected by the Habitat Regulations (Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), an assessment of the likely impacts of this development on these sites is required.

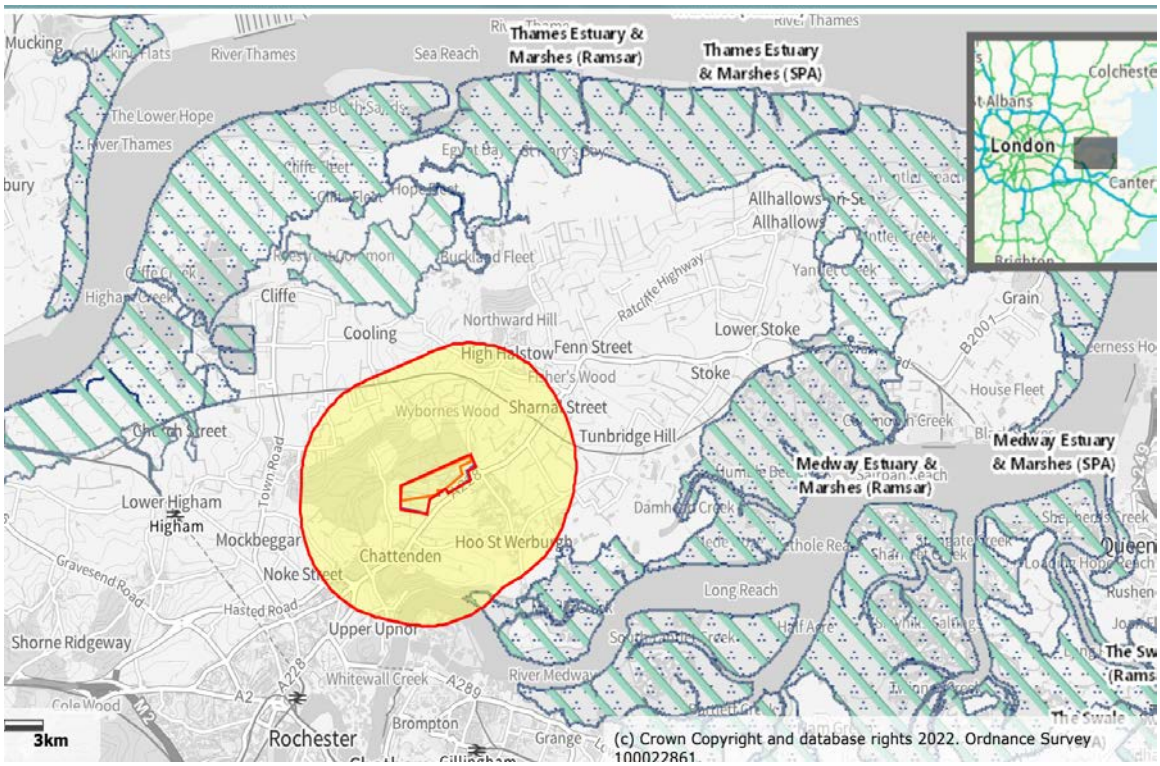

Figure 2: Location Thames Estuary and Marshes and Medway Estuary and Marshes in relation to 2km around the former golf course boundary.

2.2 In Great Britain, the Habitats Regulations aim to protect sites in the UK that have rare or important habitats and species in order to safeguard biodiversity. Under these Regulations, the LPA have a duty to assess whether there is a risk of any plan or proposal having a significant impact on the integrity of the European Sites.

2.3 The need for Appropriate Assessment is set out within the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Under these Regulations, land use plans must be subject to Appropriate Assessment if they are likely to have a significant [adverse] effect on the National Site Network in the UK (including SAC and SPA).

2.4 The Habitats Regulations applies a precautionary approach to protected areas and as such plans and projects can only be permitted once it is ascertained that there will be no adverse effect on the integrity of the site(s) in question. Projects may be granted permission if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI), such as large infrastructure development proposals etc. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

2.5 In order to assess the likely significance of a site(s) and the site(s) integrity being affected an assessment under the Habitat Regulations is required. The first stage of the assessment is 'screening' the proposals.

2.6 The purpose of the screening is to analyse likely significant effects, as well as those effects, which were uncertain or not well understood and taken forward for assessment in accordance with the precautionary principle. The assessment should seek to establish whether or not the plans effects, either alone or in combination with other plans or projects, will lead to adverse effects on site integrity, in view of the sites conservation objectives. Site integrity can be described as follows (ODPM, 2005b):

"The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified."

2.7 Natural England (NE) guidance on determining likely significant effect states that;

'Likely significant effect is, in this context, any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated, but excluding de minimis or inconsequential effects'

And furthermore;

"The 'significance test' is a coarse filter intended to identify which proposed plans and projects require further assessment. It is the first stage of the process, and is distinct from the appropriate assessment of 'adverse effect on integrity'… Proposals having no, or de minimis, effects can be

progressed without further consideration under the Habitats Regulations although reasons for reaching this decision must be justified and recorded" (English Nature, 1999).

2.8 This initial determination is intended to ensure that all relevant plans and projects likely to have a significant effect on European sites are subject to an appropriate assessment. The notion of what is significant needs to be interpreted objectively. The significance of effects should be determined in relation to the specific features and environmental conditions of the site concerned, taking particular account of the site's conservation objectives.

2.9 The following is a list of examples of types of effects that are likely to be significant and therefore need to be considered more fully. Effects must be considered for both on site effects as well as off site and indirect effects, as well as alone and in combination with other projects.

- Causing damage to the coherence of the site or to the National Site Network (for example, presenting a barrier between isolated fragments, or reducing the ability of the site to act as a source of new colonisers);
- Causing reduction in the area of habitat or of the site;
- Causing direct or indirect change to the physical quality of the environment (including the hydrology) or habitat within the site;
- Causing ongoing disturbance to species or habitats for which the site is notified;
- Altering community structure (species composition);
- Causing direct or indirect damage to the size, characteristics or reproductive ability of populations on the site;
- Altering the vulnerability of populations/habitats to other impacts;
- Causing a reduction in the resilience of the feature against external change (for example its ability to respond to extremes of environmental conditions);
- Affecting restoration of a feature.

2.10 Where it was considered not possible to 'screen out' the developments, alone or in combination, it is necessary to progress to the later 'Appropriate Assessment' stage to explore the adverse effects and devise mitigation. This will include addressing the following issues:

- Identify the effects of the proposal on the European site features and how those

effects are likely to affect the site' conservation objectives.

- Decide whether the plan or project, as proposed, would adversely affect the integrity of the site in the light of the conservation objectives.
- Consider the manner in which the plan or project is proposed to be carried out, whether it could be modified, or whether conditions or restrictions could be imposed, so as to avoid adverse effects on the integrity of the site.
- Conclude whether the plan or project, as modified by conditions or restrictions, would adversely affect the integrity of the site.
- Where the plan or project is assessed as having an adverse effect on the integrity of the site alternative solutions should be considered and where appropriate a re-assessment undertaken.

2.11 Therefore, there are three stages that are considered within the habitats regulations assessment are:

- **Stage 1 – Screening for Likely Significant Effects:** identifying if the plan is likely to have a significant effect on a European Site either alone or in combination with other plans and projects
- **Stage 2 – Appropriate Assessment:** if significant effects are anticipated, identifying the implications of the plan on the integrity of the relevant Europeans Sites in view of their conservation objectives. This stage is intrinsically linked to Stage 3 as the adoption of mitigation measures will influence the conclusions of the Appropriate Assessment.
- **Stage 3 – Mitigation Measures and Alternative Solutions:** identifying mitigation measures to avoid adverse effects or developing alternative solutions in cases where it is not possible to avoid these.

Scope and Objectives

2.12 The Ecology Partnership Ltd has been instructed to undertake an assessment for Community Parkland proposals, on land at Deangate Ridge.

2.13 This report would be considered a 'screening' exercise under the regulations.

3.0 Review of Policy and Legislation with regards to Protected Areas

3.1 A review of literature, including Local Plan policies and other Policies and Legislation, which should be considered as part of the assessment, is included within this section of the report.

Thames Estuary SPA and Ramsar

3.2 The conservation objectives for the Thames Estuary SPA[1] are:

"*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:*

- *The extent and distribution of the habitats of the qualifying features*
- *The structure and function of the habitats of the qualifying features*
- *The supporting processes on which the habitats of the qualifying features rely*
- *The population of each of the qualifying features, and,*
- *The distribution of the qualifying features within the site."*

3.3 The site qualifies under **article 4.1** of the Directive (79/409/EEC) for its supporting populations of the following Annex I species detailed in Table 1 below:

Table 1 – Qualifying Annex I species for Thames Estuary SPA[2]

Annex I species	5 year peak mean 1993/94 – 1997/98	% of national population
A082 - Hen Harrier *Circus cyaneus*	7 non-breeding individuals – wintering	1.0%
A132 - Avocet *Recurvirostra avosetta*	283 non-breeding individuals - wintering	28.3%

3.4 The site qualifies under **article 4.2** of the Directive (79/409/EEC) for its supporting populations of the following regularly occurring migratory species (excluding those on Annex I) detailed in Table 2 below:

Table 2 –Migratory bird populations listed on the citation for Thames Estuary SPA

[1] http://publications.naturalengland.org.uk/file/6393717116370944
[2] http://publications.naturalengland.org.uk/file/6583903435358208

Migratory species	5 year peak mean 1993/94 – 1997/98	% of population
A137 - Ringed plover *Charadrius hiaticula*	1,324 non-breeding individuals – passage/overwinter	2.6% European/ North African
A141 - Grey plover *Charadrius squatarola*	2,593 non-breeding individuals - wintering	1.7% Eastern Atlantic
A143 – Red knot *Caldris islandica*	4,828 non-breeding individuals - wintering	1.4% NE Canadian/ Greenland/ Icelandic, NW European
A149 - Dunlin *Caldris aplpina*	29,646 non-breeding individuals - wintering	2.1% North Siberian/ European/West African
A156 - Black-tailed godwit *Limosa islandica*	1,699 non-breeding individuals - wintering	2.4% Icelandic
A162 - Redshank *Tringa totanus totanus*	3,251 non-breeding individuals - wintering	2.2% Eastern Atlantic

3.5 The citation also notes that Thames Estuary qualifies as a wetland of international importance under Article 4.2 by virtue of regularly supporting at least 20,000 waterfowl. The most recent five year mean peak winter waterbird assemblages.

Current status of the SPA qualifying features.

3.6 Thames Estuary is cited through supporting more than 1% of the national non-breeding population of an Annex 1 species, **avocet**. At the time of the citation and the last SPA review (Stroud *et al.* 2001), the five-year peak count avocet population on site was numbered at *c.* 283 non-breeding individuals, and, has since risen to 3,125 individuals, as of the last five-year peak count.

3.7 Thames Estuary is similarly cited through supporting more than 1% of the national non-breeding population of an Annex 1 species, **hen harrier**. The citation and last SPA review note seven birds, or *c.*1% of the national non-breeding population. Their current status on site is unknown.

3.8 Thames estuary is also cited as qualifying under Article 4.2 though regularly supporting more than 1% of the national wintering populations of red knot, black tailed godwit, grey plover, ringed plover, redshank, and dunlin. The change in peak population counts of these species is summarised in Table 3 below:

Table 3 – Change in peak population count for migratory species listed on Thames Estuary SPA citation.

Migratory species	5 year peak mean 1993/94 – 1997/98	5 year peak mean 2014/15 – 2018/19	% change
Red knot	4,828	27,152	**462% increase**
Black-tailed godwit	1,699	5,884	**246% increase**
Grey plover	2,593	4147	**60% increase**
Dunlin	29,646	29,539	**Negligible change**
Redshank	3,251	2,607	**20% decline**
Ringed plover	1,324	823	**38% decline**

Thames Estuary Ramsar qualifying features

3.9 Ramsar sites (wetlands of international importance), designated or proposed under the Ramsar Convention 1971, are included by the UK government in its list of European sites[3]. Thames Estuary Ramsar site has a largely similar boundary as the SPA, but is additionally cited[4] under Ramsar Criterion 2 for supporting more than 20 British Red Data Book invertebrates and populations of the GB Red Book endangered species, including: least lettuce (*Lactuca saligna*), as well as the vulnerable slender hare's-ear (*Bupleurum tenuissimum*), divided sedge (*Carex divisa*), sea barley (*Hordeum marinum*), Borrer's saltmarsh-grass (*Puccinellia fasciculata*), and dwarf eelgrass (*Zostera noltei*).

3.10 It is also designated under Ramsar criterion 5 for supporting a waterfowl assemblage of international importance, with a five year peak mean of 45,118 waterfowl between 1998/99 to 2002/2003; and, criterion 6 for supporting the following species populations of international importance:

- Black-tail godwit – 1,640 individuals (*c.*4.5% of the international population)
- Dunlin – 15,171 (*c* 1.1% of international population)
- Red knot (*c* 1.6% of international population)

3 http://www.legislation.gov.uk/uksi/2017/1012/contents/made
4 Ramsar Information Sheet UK11069 JNCC Version 3. 13/09/2007

Medway Estuary & Marshes SPA & Ramsar

3.11 The conservation objectives[5] for the Medway Estuary & Marshes SPA are:

"Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- *The extent and distribution of the habitats of the qualifying features*
- *The structure and function of the habitats of the qualifying features*
- *The supporting processes on which the habitats of the qualifying features rely*
- *The population of each of the qualifying features, and,*
- *The distribution of the qualifying features within the site.*

SPA Qualifying features.

3.12 The site qualifies under **article 4.1** of the Directive (79/409/EEC) for its supporting populations of the following Annex I species detailed on Table 4 below:

Table 4 – Qualifying Annex I species for Medway Estuary & Marshes SPA[6]

Annex I species	5 year peak mean	% of national population
A132-Avocet *Recurvirostra avosetta*	28 breeding pairs (1988-1992)	4.7% of UK breeding pop
A132-Avocet *Recurvirostra avosetta*	314 wintering, non-breeding individuals (1991/92 – 1995/96)	24.7% of UK pop
A195-Little tern *Sterna albifrons*	28 breeding pairs (1991/92-1995/96)	1.2% of UK breeding pop

3.13 The site qualifies under **article 4.2** of the Directive (79/409/EEC) for its supporting populations of European importance of the following regularly occurring migratory species (excluding those on Annex I) detailed on Table 5 below:

Table 5 –Migratory bird populations listed on the citation for Medway Estuary & Marshes SPA

Migratory species	5 year peak mean 1991/92 – 1995/96	% of European breeding population[7]
A048 – Shelduck *Tadorna tadorna*	4,465 non-breeding individuals - Over wintering	**1.5%** - *north western European population*

[5] http://publications.naturalengland.org.uk/file/5579733639364608

[6] http://publications.naturalengland.org.uk/file/5039453273849856

[7] Regions/countries following percentage represent the breeding grounds of the species population

A054 – Pintail *Anus acuta*	697 non-breeding individuals - Over wintering	**1.2%** - *north western European population*
A137 - Ringed plover *Charadrius hiaticula*	1,337 non-breeding individuals –On passage	**2.7%** - *Europe/ Northern African population*
	768 non-breeding individuals –Over wintering	**1.5%** - *Europe/ Northern African population*
A141 - Grey plover *Charadrius squatarola*	3,406 non-breeding individuals - Over wintering	**2.3%** - *Eastern Atlantic population*
A149 - Dunlin *Caldris aplpina*	25,936 non-breeding individuals - Over wintering	**1.9%** - *North Siberian/ European/West African population*
A156 - Black-tailed godwit *Limosa islandica*	957 non-breeding individuals - Over wintering	**1.4%** - *Icelandic population*
A162 - Redshank *Tringa totanus totanus*	3,690 non-breeding individuals - Over wintering	**2.5%** - *Eastern Atlantic population*
A675 – Dark Brent goose *Branta bernicla*	3,205 non-breeding individuals - Over wintering	**1.1%** - *western Siberian/ western European population*

3.14 The citation also notes that Medway Estuary & Marshes qualifies as a wetland of international importance under Article 4.2 by virtue of regularly supporting at least 20,000 waterfowl: A five year peak mean of 65,274 individuals was recorded between 1991/2 – 1995/6.

Current status of the SPA qualifying features.

3.15 Medway Estuary & Marshes is cited through supporting more than 1% of the national breeding and non-breeding population of an Annex 1 species, **avocet**. At the time of the citation and the last SPA review (Stroud *et al.* 1993), the five-year peak count avocet wintering population on site was numbered at *c.* 314 individuals, and, has since risen to 985 individuals, as of the last mean five year peak count.

3.16 Medway Estuary & Marshes is similarly cited through supporting more than 1% of the national breeding population of an Annex 1 species, **little tern**. The oldest WeBS five year mean peak count little tern population on site was numbered at *c.* 15 individuals (1994/5-1998/9), and, has since dropped to 10 individuals, as of the last mean five-year peak count (2013/14-2017/18).

3.17 Medway Estuary & Marshes is also cited as qualifying under Article 4.2 though regularly supporting more than 1% of the national wintering populations of black-tailed godwit, pintail, dark Brent goose, dunlin, shelduck, ringed plover, redshank, grey plover. The change in peak population counts of these species is summarised in Table 6 below:

Table 6 – Peak population count

Migratory species	5-year peak mean 1993/94 – 1997/98	5-year peak mean 2013/14 – 2017/18	% change
Black-tailed godwit	1,109	1,980	**+79% increase**
Pintail	954	585	**-39% decline**
Dark Brent goose	3621	1723	**-52% decline**
Dunlin	21,277	8,501	**-60% decline**
Shelduck	5,169	2,023	**-61% decline**
Ringed plover	1,241	355	**-71% decline**
Redshank	4,301	1,203	**-72% decline**
Grey plover	3,596	434	**-88% decline**

Medway Estuary & Marshes Ramsar qualifying features

3.18 Ramsar sites (wetlands of international importance), designated or proposed under the Ramsar Convention 1971, are included by the UK government in its list of European sites[8]. Medway Estuary & Marshes Ramsar site has a largely similar boundary as the SPA, but is additionally cited[9] under Ramsar Criterion 2 for supporting a number of rare plants and, invertebrates.

3.19 It is also designated under Ramsar criterion 3a for supporting a waterfowl assemblage of international importance (>20,000 birds); and, criterion 3c for supporting the following overwintering populations of international importance of pintail, dark-bellied Brent goose, dunlin, shelduck, ringed plover, redshank, knot, grey plover.

11 http://www.legislation.gov.uk/uksi/2017/1012/contents/made

9 Ramsar Information Sheet UK11069 JNCC Version 3. 13/09/2007

National Planning Documentation

3.20 National policy guidance is provided by the National Planning Policy Framework (NPPF 2023), which sets out the Government's planning policies for England and how they should be applied. Section 15 of the document is entitled 'Conserving and Enhancing the Natural Environment', notably section, notably sections 181 and 182.

Local Policy

3.21 Medway Local Plan 2003. These policies included the following which are considered relevant to Ecology, Biodiversity and Nature Conservation:

- BNE35 International and National Nature Conservation Sites;
- BNE36 Strategic and Local Nature Conservation Sites;
- BNE37 Wildlife Habitats;
- BNE 38 Wildlife Corridors and Stepping Stones; and,
- BNE39 Protected Species.

3.22 Policy BNE35 International and National Nature Conservation Sites notes that "*Development that would materially harm, directly or indirectly, the scientific or wildlife interest of these sites will not be permitted unless the development is with, or necessary to, the management of the sites wildlife interest.*

Development for which there is an overriding need will be exceptionally permitted if no reasonable alternative is (or if likely to be) available. The overriding need will be judged against the national and/or international ecological importance of the affected nature conservation designation.

When a Special Protection Area or Special Area of Conservation is affected this need must comprise imperative reasons of overriding public interest. If the affected Special Protection Area or Special Area of Conservation hosts a priority habitat or species, then the need must relate to human health, public safety or beneficial consequences of primary importance to the environment, or to other imperative reasons of public interest established by the European Commission. In such exceptional circumstances, the detrimental impact upon the scientific or wildlife interest should be minimised and appropriate compensatory measures will be required

3.23 The Thames, Medway & Swale Estuaries SAMMS being developed along side Natural England, Medway Council and other partners of the North Kent Environmental Planning Group (NKEPG). NKEPG consists of Swale, Canterbury, Gravesham, Dartford and Kent Councils, Natural England, the Environment Agency, Kent Wildlife Trust and the RSPB. The detailed Strategic Access Management and Monitoring Strategy (SAMMS) for the Thames, Medway and Swale Estuaries was developed to resolve disturbance issues from increased recreational activity to wintering birds. The strategy has been designed to address disturbance impacts and provides a strategic, cross boundary solution to issues relating to disturbance.

3.24 The Regulation 18, which sets the direction for Medway until 2040 is currently undergoing consultation and the policies have been appropriately worded to reflect the input of many stakeholders over the consultation period. It is considered that the requirement of local policies ensure consideration of designated sites is made within applications.

Supporting Documentation

3.25 Footprint Ecology undertook a visitor survey along the North Kent shoreline in order to provide a baseline assessment of potential impacts from recreational use of the SPAs and Ramsar sites. These surveys formed the basis of the mitigation measures which have subsequently been incorporated into the local plan policy. (Footprint Ecology *North Kent Visitor Survey Results September 2011)*

3.26 Footprint Ecology undertook a research project looking at the causes of bird disturbances *(Bird Disturbance Study North Kent 2010/2011 (Footprint Ecology))* The work relates to the coast between Gravesend and Whitstable, an area internationally important for wintering waterfowl. Twenty two locations were surveyed and each was visited repeatedly between December 2010 – February 2011. The survey work comprised of bird counts and counts of people with a record of the recreational activity they undertook. This was undertaken to inform decision makers on the issues associated with SPA and recreational pressure.

3.27 Habitat Regulation Assessment 2018, Medway Council Medway Local Plan Development Strategy, Interim Consideration of the Implications of Development Strategy Scenarios on European Sites (March 2018) and Habitats Regulations Assessment of the Medway Local

Plan, Regulation 18: Setting the Direction for Medway 2040, Preliminary HRA Report (Lupus Consulting 2023) have been reviewed in order to support this screening report.

4.0 Discussion of Potential Impacts - Screening

4.1 Impacts can be divided into direct and indirect impacts. Direct impacts are usually associated with development adjacent to or on land that has been designated or on land which is considered to be 'functionally linked'. Functionally linked land, land which is used by qualifying features (wintering birds for example), is land which is not designated but would be important to the qualifying futures. As such impacts on these habitats would also need to be considered within the development process.

4.2 Examples of direct impacts which are considered significant include:

- Causing damage to the coherence of the site or to the series (for example, presenting a barrier between isolated fragments, or reducing the ability of the site to act as a source of new colonisers) please note that this also includes functionally linked land;
- Causing reduction in the area of habitat or of the site;
- Causing direct change to the physical quality of the environment (including the hydrology).

4.3 Indirect effects, which may not result in the loss or fragmentation of habitats, are also significant in terms of protected habitats integrity.

4.4 Impacts can be screened, screening out impacts which will not result in a likely significant impact (LSE) and which would not require further assessments, and others which would be screened in. These are impacts which may result in a significant effect and result in impacting the qualifying features of the Thames Basin Heaths SPA.

4.5 Mitigation measures cannot be considered within the screening process as per the Judgment of the Court (Seventh Chamber) of 12 April 2018 People Over Wind and Peter Sweetman v Coillte Teoranta Request for a preliminary ruling from the High Court (Ireland).

4.6 The CJEU in *People over Wind v Coillte Teoranta* has revoked the position adopted under the *Dilly Lane* Decision that it was right and proper for mitigation or avoidance measures, which formed a feature of a plan / project, to be viewed as integral to the plan / project and not excluded when considering the likely significance test at Regulation 63(1).

4.7 The decision by the CJEU ruled that:

"Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."

4.8 In accordance with this ruling, avoidance or mitigation measures cannot be considered at the first stage of the test (the 'Likely Significant Effect' stage) and can only be considered at the Appropriate Assessment stage.

Land loss, Isolation and Fragmentation

4.9 The site is located at its closest point is within 2km from the edge of the Medway Estuary and Marshes SPA and Ramsar site. As such there will be no land loss, no land isolation or fragmentation of the land which is designated within the SPA boundaries.

4.10 Birds are mobile and species that are qualifying features of the SPAs, either individually or as a part of the waterbird assemblage, may feed on land outside of the SPA boundaries. Occasionally impacts to such habitats can have a significant effect upon the special interest of a European site, through an impact on conservation objective 4 (effect on the population). Habitats used by significant numbers of qualifying features of the SPA are defined as ***functionally linked*** to the site and so require assessment under the Habitats Directive and Regulations, as if they were within the SPA boundary (Chapman and Tyldesley 2016).

4.11 As the site lies between two designated sites, wintering bird surveys were conducted to support the change in land use.

4.12 None of the 28 species requiring assessment for functional linkage between the site and Medway Estuary & Marshes and Thames Estuary SPA and Ramsar sites, were recorded on site or flying over the site. There is no evidence from desk study data of any of these species occurring. Given that no birds of interest were seen within the site, and, the numerous, likely more suitable, arable habitats in the wider surrounding area, it has been concluded that there is no significant functional linkage between the site and the SPAs, and the proposals for the Community Parkland will likely have **no significant effect on the conservation objective of the SPAs.**

4.13 In light of the above, it may therefore be concluded that the application site does not represent land which could be classed as important 'functionally linked land' and as such no impacts or functionally linked land from this site is predicted.

Recreational Pressure

4.14 Direct impacts resulting on impacting the Natura 2000 site's integrity include 'wear and tear' of the sites through increase in recreational pressure and impact on the qualifying features, such as increased disturbance which can impact the long term health of individuals / populations. Coastal SPA and Ramsar sites are often impacted through disturbance (dogs, water sports) which directly impact upon the water birds utilising and associated with the site (see Footprint Ecology reports), however, in addition, visitor pressure can cause degradation of habitats through erosion, soil compaction, soil enrichment (Dog faeces / urine), and littering.

4.15 The proposals are for the creation of Community Parkland with no associated housing. As such no impacts from the proposals on the designated sites are considered likely, with the Community Parkland acting as a potential alternative location for recreational, rather than the designated sites.

4.16 As there is no residential development proposed, no impacts resulting from an increase in recreational pressure on SPAs are considered likely. The proposals for the Community Parkland will likely have **no significant effect on the conservation objective of the SPAs.**

Hydrological Impacts

4.17 Considering the distance from the designated sites, and considering there will be no development, no water extraction or that impacts from water resources or quality are not considered to impact the integrity of the Ramsar and SPA. As such the potential impacts from hydrological impacts as a result of the proposals are considered unlikely.

Air Quality Impacts

4.18 With regards to the potential for effects to arise as a result of increased nitrogen deposition from increased road traffic emissions, a review of "*Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations*" (June 2018) provides advice on screening for likely significant effects.

4.19 Habitats within designated sites, which are either the qualifying features themselves, or support the qualifying features, can respond to changes in the environment, resulting from changes in pollution levels and pollution deposition rates.

4.20 The point at which there is an alteration in the plant growth, or indeed the vegetation structure and species composition, is considered the 'critical value' of which the habitat becomes damaged by the pollution levels and deposition rates. These alterations in vegetation, including species composition can impact upon the qualifying habitats themselves and in turn their suitability to support qualifying species (e.g. for feeding, nesting and roosting birds associated with the SPAs).

4.21 Critical loads are thresholds above which harmful effects will occur to a notable level, according to the best available scientific evidence. There is significant variation in the sensitivity of habitats.

4.22 The proposals for the Community Parkland retain the parking which is currently already present. It is considered that the Community Parkland will support similar levels of use as its previous use, that being a former golf course, Denagte Recreational Ground and Deangate Indoor Bowls. Considering the car use to this site has already been established and has been considered as part of the HRA baseline, both in 2018 and 2023, it is consider no significant impacts are predicted.

Other Impacts

4.23 It is considered that there are no indirect impacts relating from the proposals, this includes no alteration to light levels, noise levels and dust. As such it is considered that there would be no impacts of the qualifying features and such impacts can be screened out of the assessment.

In Combination Effects

4.24 The development of the site must be considered alongside developments within the zones of influence within of Medway Estuary and Marshes and Thames Estuary and Marshes SPA and Ramsar.

4.25 However, considering that likely significant impacts are not predicted as a result of the proposed Community Parkland, no in combination effects with other plans and projects would combine to result in an LSE on any Habitats site.

5.0 Appropriate Assessment

5.1 As outlined above, it is concluded that the development proposals would not be likely to have a significant effect on the Medway Estuary and Marshes or the Thames Estuary and Marshes through recreational impact, lighting, noise, hydrological, and air impacts or urbanisation impact, either when considered alone or in combination with other plans or projects. No specific avoidance or mitigation measures are therefore required in this regard.

5.2 Furthermore, the application area is not considered to be functionally linked to designated sites. Therefore, the alteration of the habitats on site and the use of the site as a Community Parkland, will not impact upon the designated sites integrity.

5.3 As there is no loss, or alteration or squeeze of designated sites habitats, and no impacts resulting from the proposals, impacts resulting from the Community Parkland creation have been screened out. An appropriate assessment is not required.

6.0 Assessment Method for Determining Effects on Site Integrity

6.1 Judgements of whether the integrity of the European sites are likely to be adversely and significantly affected should be made in relation to the features for which the European site was designated, their formal Conservation Objectives, and set against the definition of integrity.

6.2 English Nature (now Natural England) produced internal guidance on determining site integrity (English Nature, 2004), which includes "*a simple, pragmatic checklist for assessing the likely effect on integrity*". This asks the competent authority to pose a series of five questions, as follows:

a) That the area of Annex I habitats (or composite features) will not be reduced?

b) That there will be no direct effects on the populations of the species for which the site was designated or classified?

c) That there will be no indirect effects on the populations of the species for which the site was designated or classified due to loss or degradation of their habitat (quantity/quality)?

d) That there will be no changes to the composition of the habitats for which the site was designated (e.g. reduction in species structure, abundance or diversity that comprises the habitat over time)?

e) That there will be no interruption or degradation of the physical, chemical or biological processes that support habitats and species for which the site was designated or classified?

6.3 The guidance suggests that if the answer to all of these questions is 'Yes' then it is reasonable to conclude that there is not an adverse effect on the integrity. If the answer is 'No' to one or more of the questions, then further site-specific factors need to be considered in order to reach a decision.

6.4 The effects of the proposed development, together with avoidance and mitigation measures, are considered in relation to Natural England's site integrity checklist in Table 1 below:

Table 1: Consideration of Natural England's integrity checklist

	Qualifying Interest Feature
Thames Estuary and Marshes **Medway Estuary and Marshes**	Non breeding and wintering birds Non breeding and wintering birds
Has the Information for Appropriate Assessment shown that:-	
1) the area of Annex I habitats (or composite features) will not be reduced?	**Yes –** there is no land loss or land take. There is no fragmentation or isolation of SPA or Ramsar habitats.
2) there will be no direct effect on the population of the species for which the site was designated or classified?	**Yes –**There is no loss of functionally linked land.
3) there will be no indirect effects on the populations of species for which the site was designated or classified due to loss or degradation of their habitat (quantity / quality)?	**Yes –** air quality has been assessed and is considered that impacts would not result in the alterations of on site habitats which could affect integrity. No recreational impacts are considered. The site is for recreation and could result in the reduction of use of the SPA, Ramsar site, which would be a benefit.
4) there will be no changes to the composition of the habitats for which the site was designated (e.g. reduction in species structure, abundance or diversity that comprises the habitat over time)?	**Yes -** air quality has been assessed and is considered that impacts would not result in the alterations of on site habitats which could affect integrity. No recreational impacts are considered. The site is for recreation and could result in the reduction of use of the SPA, Ramsar site, which would be a benefit.
5) that there will be no interruption or degradation of the physical, chemical or biological processes that support habitats and species for which the site was designated or classified?	**Yes -** Due to the proposals being a Community Parkland no predicted impacts from hydrological changes, light, dust, and other urban edge impacts.

6.5 As the project alone or in combination would not contribute to an overall significant effect that may have an adverse effect on the integrity of this European / international designated site, the proposed development would by definition be acceptable, subject to securing the mitigation and avoidance measures proposed.

6.6 It is therefore concluded that the development proposals would by definition be acceptable under the tests of the Habitats Regulations and therefore in those terms it is considered

that the Competent Authority could legally and safely grant consent for the proposed project.

7.0 Conclusion of Appropriate Assessment

7.1 Having considered all of the potential significant effects that could arise from the proposals, in light of the type of proposal, it is concluded that there would not be likely to give rise to a significant effect on the integrity of the Thames Estuary and Marshes and the Medway Estuary and Marshes when the proposals are considered, either alone or in combination with other plans or projects.

7.2 The findings of this work are set out within this document such that the Competent Authority – Medway Council, in exercising their duties under the Habitats Regulations, has all the necessary information before them in considering the development proposals.

The Ecology Partnership Ltd

Thorncroft Manor

Thorncroft Drive

Leatherhead

KT22 8JB

Tel: 01372 364 133

www.ecologypartnership.com

Approved: Alexia Tamblyn MA (Oxon) MSc CEcol CEnv MCIEEM FRGS

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